
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

CHARLES WESTERBY,

Plaintiff,

versus

KEN PAXTON, *et al.*,

Defendants.

CIVIL ACTION NO. 1:20-CV-226

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Charles Westerby, proceeding *pro se*, filed the above-styled civil rights lawsuit against Warden Williams, Warden Newton, Warden Smith, Major Turner and Ken Paxton. The court previously referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending this case be dismissed for failure to state a claim upon which relief may be granted.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation, as well as revised objections.

The court has conducted a *de novo* review of the objections. After careful consideration, the court is of the opinion the objections are without merit. Plaintiff has failed to allege facts demonstrating defendant Paxton can be held liable as a supervisory official or that the remaining defendants were aware of his complaints regarding his housing assignment or that he believed he was not safe.

ORDER

Accordingly, the objections filed by plaintiff in this matter (#72), as well as the revised objections (#73) are **OVERRULED**. The findings of fact and conclusions of law set forth in the

report of the magistrate judge (#70) are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment shall be entered in accordance with the recommendation of the magistrate judge.

SIGNED at Beaumont, Texas, this 31st day of July, 2023.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE